IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.415 OF 2006

Ramesh Ramrao Deshmukh .. Appellant.
Vs.
Rajiv Ramrao Deshmukh & Ors. .. Respondents.

Mr.P.J.Pawar for the appellant.
Mr.Mandar Limaye for respondent no.16.
Mr.T.D.Deshmukh for respondent nos.17 to 19.

CORAM : D.B.BHOSALE, J.

DATED : 7TH FEBRUARY, 2007

P.C.:

. Heard learned counsel for the parties.

2. The appellant - defendant no.2, pressed this appeal only against defendant nos. 16 to 18, challenging the decree of partition by which a share in the joint family property is given to them. Defendant no.16 is the second wife of defendant no.1 and defendant nos.17 and 18 are their children. The appellant - defendant no.2 is also a son of defendant no.1 from his first wife. Mr.Pawar submitted that the marriage of defendant no.16 with defendant no.1 has not been proved and, therefore, she and her children, even if it is assumed are of defendant no.1, are not entitled for any share in the joint family property. I perused the judgment and in particular paragraphs

29, 30, 32, 33 and 36 in the appeal court judgment wherein the appeal court has considered the evidence on record and recorded a categoric finding, in view of the admission given by defendant no.1 that defendant no.16 is his legally wedded wife, that she and her children are entitled for share in the suit property. This being a finding of fact recorded by the courts below I see no reason to interfere with the same since I find sufficient material on record to sustain those findings. This second appeal, therefore, fails and dismissed as such.

(D.B.Bhosale, J.)